

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

PRIVATE

ENDC/PV.70

15 August 1962

ENGLISH

THE UNIVERSITY,
OF MICHIGAN

FEB 6 1963

DOCUMENT
OF THE

FINAL VERBATIM RECORD OF THE SEVENTIETH MEETING

Held at the Palais des Nations, Geneva,
on Wednesday 15 August 1962, at 10 a.m.

Chairman:

Mr. J. BARRINGTON

(Burma)

PRESENT AT THE TABLE

Brazil:

Mr. J.A. de ARAUJO CASTRO
Mr. RODRIGUES RIBAS
Mr. de ALENCAR ARARIPE
Mr. J. LENGYEL

Bulgaria:

Mr. M. TARABANOV
Mr. N. MINICHEV
Mr. G. GUELEV
Mr. M. KARASSILEONOV

Burma:

Mr. J. BARRINGTON
U MAUNG MAUNG GYI

Canada:

Mr. E.L.M. BURNS
Mr. J.E.G. HARDY
Mr. A.B. GOTLIEB
Mr. R.M. TAIT

Czechoslovakia:

Mr. J. HAJEK
Mr. M. ZEMLA
Mr. J. RIHA

Ethiopia:

ATO EADDIS ALAMAYEHU
ATO E. HAMID
ATO GETACHEW KEBRETH

India:

Mr. A.S. LALL
Mr. A.S. MEHTA
Mr. K. KRISHNA RAO
Mr. P.N. GEORGE

Italy:

Mr. G. CAVALLETTI
Mr. C. COSTA-BEGHINI
Mr. F. LUCIOLI OTTIERI
Mr. P. TOZZOLI

PRESENT AT THE TABLE (cont'd)

Mexico:

Mr. L. PADILLA NERVO
Mr. E. CALDERON PUIG
Miss E. AGUIRRE
Mr. D. GONZALES GOMEZ

Nigeria:

Mr. M.T. MBU
Mr. L.C.N. OBE

Poland:

Mr. M. LACHS
Mr. S. ROGULSKI
Mr. E. STANIEWSKI
Mr. W. WIECZOREK

Romania:

Mr. M. MALITZA
Mr. H. FLORESCU
Mr. E. GLASER
Mr. O. NEDA

Sweden:

Baron C.H. von PLATEN
Mr. P. KELLIN
Mr. B. FRIEDMAN

Union of Soviet Socialist Republics:

Mr. V.V. KUZNETSOV
Mr. P.F. SHAKHOV
Mr. B.I. POKLAD
Mr. A.A. GRYZLOV

United Arab Republic:

Mr. A. FATTAH HASSAN
Mr. M.H. El-ZAYYAT
Mr. A.E. ABDEL MAGUID
Mr. M.S. AHMED

PRESENT AT THE TABLE (cont'd)

United Kingdom:

Mr. J.B. GODBER
Sir MICHAEL WRIGHT
Sir SOLLY ZUCKERMAN
Mr. P. SMITHERS

United States of America:

Mr. A.H. DEAN
Mr. C.C. STELLE
Mr. A.S. FISHER
Mr. D.E. MARK

Special Representative of the
Secretary-General:

Mr. O. LOUTFI

Deputy to the Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

The CHAIRMAN (Burma): I declare open the seventieth plenary meeting of the Conference of the Eighteen Nation Committee on Disarmament.

Mr. LACHS (Poland): Four months have passed since we embarked on the present stage of our deliberations; four long months in which there has been ample opportunity not only to embark upon negotiations but to conclude them, to present to the world an agreed and signed instrument prohibiting nuclear weapon tests for all time. The objective was clear, the tools were available, the negotiators were assembled in the same place. What is it, then, that makes us meet again and find no agreement has been or could be reached? This is a sad thing indeed, and we are second to none in deploring this unfortunate situation, a situation which we have to confront today.

The only bright spot is this great feat of science, the new journey of the two Soviet cosmonauts who, having defied Newton's laws, sailed into outer space and returned -- having covered over 2,500,000 kilometres. My delegation wishes to congratulate the Soviet Union Government and the Soviet people on that magnificent achievement. I think that it should be an important stimulus to those concerned to reach agreement in other fields so closely connected with that of scientific development in outer space.

As in any negotiations, objective and subjective elements are involved. Sometimes it happens that the difficulty lies in finding the way, the proper approach, although we could say that where there is the will there is the way. But even in this respect I submit that we should consider ourselves fortunate because we have had for some time now before us the eight-Power memorandum (ENEC/28) which points the way to an agreement and has been doing so for the four months which have passed. We ought to thank the members of the eight delegations for their unceasing efforts and for their really painstaking work. We should tell them how much we have appreciated and how highly we value their constructive contribution in this field, for the document which they have produced is indeed an excellent outline for an agreement. It is not -- and the authors themselves stressed this and made it clear -- a blue-print for a treaty; but it contains a series of suggestions and ideas which can be translated easily into treaty language.

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It is clear, and no special effort is required to understand its implications. Therefore, it was only right when the representative of Ethiopia stated (ENDC/PV.24, p.5) on 19 April inter alia, and the representative of Burma confirmed (ENDC/PV.34, p.27) on 9 May, that "the joint memorandum must in most respects rest on its own merits". It was said on that occasion that "vast areas in the picture have to be filled in by detailed negotiations on the basis suggested in the joint memorandum" (ENDC/PV.24, p.5). The representative of India made it clear that the eight delegations "do not intend to interpret individually the joint memorandum, which stands by itself and offers a good basis for negotiations among the Powers concerned" (ENDC/34, p.5).

I was glad to hear Mr. Dean referring to some of those statements yesterday. The leader of the United States delegation added:

"It seems to me that that is exactly what the United States has been trying to do with the eight-nation memorandum. We have not treated it as a substitute for the work which we believe has to be undertaken by the parties. We have tried to use the eight-nation memorandum in a most constructive way, to work out agreement." (ENDC/PV.69, p.11)

If this is so -- and Mr. Dean seems to have quoted with approval the words of Mr. Sahlou, the representative of Ethiopia, referring to detailed negotiations, "on the basis suggested in the joint memorandum" (ibid) -- why did not we enter into those negotiations? Was it the Soviet Union which refused to proceed along those lines? The record shows (ENDC/32) that on 19 April the Soviet delegation agreed to accept that memorandum as the basis upon which a treaty on the cessation of nuclear tests could be worked out. Why is it, then, that we find ourselves today in the situation in which we do? Real negotiations could have begun a long time ago. Something appears to have gone wrong; something is wrong with the logic of events. Or is it perhaps that Mr. Dean, quoting in apparent agreement Mr. Sahlou's words really does not agree with them? That requires some clarification.

After four months we have before us a new proposal (ENDC/SC.I/PV.23, p.14) and ENDC/PV.69, p. 9) submitted to us by the United States delegation which is well known to all members of this Committee. The terms of it have been presented in a way which amounts to the formulation of a pre-condition, and its acceptance alone opens the way to what is called "willingness to consider" other elements involved. This pre-condition, as was pointed out on more than one occasion, is obligatory on-site inspection. I should like now to compare this

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proposal with the eight-Power memorandum. I feel this is of the essence, for it is this memorandum which has been at the centre of our discussion for some time.

Having presented the new United States proposal in the Sub-Committee, and yesterday in this Committee, the leader of the United States delegation tried to demonstrate that it was in full harmony with the eight-Power memorandum. He suggested that the interpretation given to the memorandum by the delegation of the Soviet Union was "unilateral" and that the Soviet Union had completely misinterpreted both its spirit and its purpose, and he added that the Soviet Union was blocking agreement. He then proceeded to an interpretation of the text of the memorandum. He said:

"... there appears to have developed a consensus that at least the principles of the memorandum are concerned with the three essential elements of verification: first, identification, including on-site inspection; second, detection stations; and, third, an international commission." (ENDC/PV.69, p. 10)

I would humbly submit, first of all, that this document calls for no interpretation. The text contains a series of suggestions and ideas, as the authors of the document have said themselves, and it is clear and unambiguous. It is, therefore, a case to which one could apply the dictum of the United States Court in *Hartford T.M.Co. v. Cambria M. Co.*: "There should be interpretation only when it is needed". But, since the representative of the United States has embarked on interpretation, he will forgive me, a modest student of law, for following his, an eminent jurist's example. I propose to deal only with one problem -- to my mind, the essential problem -- concerning this document: that is, the relationship between the obligations which are objectively laid down and the character of the provision concerning on-site inspection. It is a well-established canon of interpretation that words should be understood in their common, accepted, ordinary, normal, logical, clear and reasonable meaning. The memorandum uses the word "invite". How can we understand the word "invite" in a manner different from every-day language? It has one meaning and one meaning only, and we know it from our daily usage, official or private. The word "could" preceding the word "invite" makes the situation even more clear. Mr. Dean suggested the other day in the

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Sub-Committee that the term "obligation" appearing in the previous sentence in the eight-Power memorandum operates also with regard to that which covers the problem of invitation.

This brings me to the consideration of the context in which the word is used --- and rightly so, for, even if words are completely clear, we cannot evaluate them in the abstract. We face here --- and the text makes it clear --- an obvious gradation in the context. Pursuant to an obligation unambiguously stated, a recommendation is made of which the State concerned may avail itself. The mere fact that two different terms have been used prejudges the possibility of identifying the two institutions, because had the intention been to use the same qualification there would have been no need to use different words; similar wording would have been used. But here two different words are used in these two sentences. We have the word "obligation" on the one hand and the word "invite" on the other. One may of course be obliged to invite, but that does not result from the text; for in one case there is an explicit obligation and in the other there is an explicit unambiguous invitation.

But I would go a step further. How can one explain the obligatory character of on-site inspection, if account is taken of the words used in the same sentence: "and/or"? A choice is again left open: the State concerned invites the commission but, in accordance with the relevant wording, "and/or", it can invite the commission to visit its territory and the site of the event the nature of which is in doubt. But it is free to make use of the licence granted to it in this document by the word "or" --- so that it may invite it to its capital or to another place, and indeed this may suffice in the concrete case. It may suffice to visit the observation posts without seeing the site, and the visit to the observation posts alone may clarify the suspicious --- or, to use the term used by the United States delegation, "unidentified" --- event. I think that the use of the words "and/or" refutes the interpretation suggested by the United States Delegation.

In comparing these two elements of the memorandum we must apply the well-known maxim: Expressio unius est exclusio alterius. By the use of the terms "invite" and "obligation" it was made clear that there must be a difference between the actions visualized under the two headings. The text is, therefore, clear and unambiguous. By proceeding in this way we cannot give words a

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different meaning from that which they have. Following Mr. Dean's example of interpretation, may I again refer to a dictum of Mr. Justice Holmes in the case *Goods v. Riley*, when he opposed the idea of giving language a different interpretation from that in common use. This is what Mr. Justice Holmes said:

"It would be open to great risks if evidence were admissible to show that when they said 500 feet they agreed it should mean 100 inches, or that Bunker Hill Monument should signify the old South Church."

It would be a dangerous procedure to interpret documents in such a way, for in extreme cases it could lead to situations of which some examples are recorded in history. Let me quote one --- that of the Roman general who, having agreed and promised Antiochus to restore to him half of his fleet, had each of the ships sawn in two. He claimed that he had carried out the agreement; he had returned half of the fleet. That was a case of extreme interpretation, which of course failed to achieve the objective of interpretation itself.

Speaking in the Sub-Committee, the leader of the United States delegation suggested that the issue before us --- that of on-site inspection --- might be solved by qualifying the functions involved as an obligation on the State concerned and not as a right of other States. Tempting though the subject is --- and it would be difficult for any lawyer to resist the temptation to talk about obligations and rights --- I will resist it and will not enlarge on this subject. I limit myself to saying that in view of the close relationship between those two institutions the application and consideration of only one of them excludes the possibility of not applying the other.

In the light of what I have said, how do the two documents compare? How does the eight-Power memorandum compare with the new United States proposal? The memorandum visualizes a certain sequence of events. It visualizes, first, the establishment of an international commission of scientists, the composition of which is indicated; secondly, that commission would be entrusted with the tasks of processing all the data received from the agreed system of observation posts and reporting on any nuclear explosion or suspicious event on the basis of a thorough and objective examination of all available data.

How, in turn, would the States parties to the treaty which we visualize co-operate in that process? First, they would be under an obligation --- and I stress the word obligation --- to furnish the commission with the facts necessary

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to enable it to establish the nature of any suspicious and significant event. That might, and I suggest that it would, suffice in the greater number of cases, and it might conclude the process of verification. However, suppose for the sake of argument it so happened that that information was not adequate and did not allow the commission to reach a definite conclusion, what would the commission do? It would inform the party on whose territory the event occurred of this fact and simultaneously inform it of the points on which urgent clarification seemed necessary. Further consultations would take place, the exchange of data, and those exchanges might clarify the situation. The event might be identified and the chapter on that particular case closed. That would be the second stage, to be applied if necessary.

There might be yet another method of verification, however, in that the State in question could invite the commission to visit its territory. It might do this: first, in order to facilitate discussions between the members of the commission and its own scientists, in the capital, say, or at the observation post; secondly --- it could also invite the commission to the site of the event --- as a result of consultation with the commission, bearing in mind that it would facilitate the assessment. Finally, the commission would present its report containing the assessment of the fact concerned. I think the picture is clear and that there can be no doubt as to the procedure envisaged in the eight-Power memorandum.

Does the United States proposal --- and this is the crucial point --- correspond to this procedure in the memorandum? I would mention in passing that the United States proposal speaks of "unidentified events" while the memorandum speaks of "suspicious events", and, as Mr. Dean suggested, both terms can mean the same; that is agreed. But the memorandum contains a second qualification. It speaks of "any suspicious and significant event," and the word "significant" is not without significance; both conditions have to be fulfilled. I shall not dwell on the issue I have touched upon, but what is essential is that in the case of events reported and not "eliminated from consideration pursuant to agreed criteria" --- to use Mr. Dean's language --- "the agreed number of on-site inspections are to be carried out" (ENDC/SC.I/PV.23, p. 6) on the territory of the Power concerned at the request of one of the Powers. That is the essential provision of the United States proposal.

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What is the conclusion to be drawn? I think there is little doubt -- indeed no room at all for doubt -- that there is an essential difference in substance between the terms, spirit and language of the United States proposal submitted to us the other day and those of the eight-Power memorandum. The authors of the memorandum would hardly recognize it in its new disguise, and I submit that they could not possibly say that the United States proposal corresponded to their ideas. I do not wish to seem too legalistic, despite what may be regarded as déformation professionnelle.

Let me look at the issue from a much wider viewpoint. The memorandum was put forward in a spirit of compromise between the original Soviet proposal made on 28 November 1961 (ENDC/11) and the United Kingdom-United States proposal of 18 April 1961 (ENDC/9), between an exclusively national system of control and international on-site inspection. By trying to give it the meaning it does, the United States delegation deprives the memorandum of its value as a compromise and thus deprives it of its raison d'être, for its purpose was none other than to build a bridge between a system of national control and international inspection. How? By the establishment of an international commission, with the obligations of States as enumerated and with the possibility of inspection by invitation as visualized. Therefore we should not look upon the memorandum as favouring either solution -- the original Soviet proposal or the original United Kingdom-United States plan. Nor is it, to use the well-phrased words of Mr. Padilla Nervo, fruitful to argue "with a view to determining whether it favours the views of one or other of the parties" (ENDC/PV.34, p.14). It favours neither, because that is the essence of a compromise. Should it favour one of the parties it would lose the character of a compromise. Why, then, would it have been submitted?

This, then, is the very subtle and, at the same time, effective method by which the eight Powers have attempted to perform their very constructive function. Can one therefore agree that, as Mr. Dean said on 9 August in the Sub-Committee, "the invitational concept does violence to the whole theory of the eight-Power memorandum"? (ENDC/SC.I/PV.23, p.9) I submit that without that concept the memorandum would lose its decisive character, namely, that of a product of sincere and painstaking work towards a compromise. I should like to say, as did counsel in a famous English trial, "We find a difficulty in separating the sense of the letter from the letter. The paper without the sense is not a letter". The memorandum without this provision would lose its character of a compromise.

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Let me go a step further, thus covering the distance from the interpretation of one word, the word "invite", to the basic issue of test and test prohibition. I suggest that the whole problem of invitation to on-site inspection, and its consequences, can and should be viewed from the point of view of the memorandum and from the point of view of its practical implications as inserted, I would say, ex abundante cautela.

The discussion in this Committee has made it clear how far science has advanced in the field of detecting and identifying seismic events. The data presented by the United States delegation and recent reports of new installations and discoveries in the United Kingdom indicate that scientists are able to identify a great variety of events, but it suffices to quote from that very well-documented speech of Mrs. Myrdal, delivered on 1 August. This is what she said:

"The unavoidable main conclusion is that there already exists an international apparatus which is capable of providing considerable knowledge. Many reports have been published to demonstrate how nuclear tests in different parts of the world have been detected and identified in various countries." (ENDC/PV.64, p.13)

All this indicates that almost all tests could be detected by observation posts situated outside the territories of the States concerned. That is important, because it establishes a relationship between rule and exception. The United States proposal makes an attempt to establish a rule for cases which are exceptional. The memorandum uses the proper proportion. The rule is there where there is a majority of cases. The exception concerns a minority. That is the objective situation. One cannot establish a rule for cases which do not constitute the majority. That would be turning the issue upside down. Therefore the memorandum, as opposed to the United States proposal, sees the issue in its proper perspective.

Reference was made here to scientists and their views. Of course certain views may differ, but is it not clear that with regard to the greatest area that we are concerned with there is agreement between scientists and only in exceptional cases do the scientists differ? Here again I come to the essential relationship between rule and exception. Events can be both detected and identified, and a margin is left. About that margin there is a difference of views, but that difference of views which subsists cannot and should not determine the rule.

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What, then, can be this margin of error? It is for those events that come within the realm of the margin of error, or uncertainty, that the invitation system provides for. Was it accepted? On 9 May Mr. Zorin, the then leader of the Soviet delegation, said quite explicitly:

"... we agree that it will be possible in individual cases to invite scientists, members of the international commission, to ascertain in loco the nature of the events which are in doubt But it is we who will do this, upon our own invitation. . . . That is a perfectly clear position." (ENDC/PV.34, p.49)

The Soviet Union, then, is prepared to invite inspection. Thus the suggestion made in the eight-Power memorandum has been accepted. What more could the Soviet Union have done? The memorandum speaks of invitation. The Soviet Union says, "We shall invite".

Only yesterday the leader of the Soviet delegation, Mr. Kuznetsov, repeated (ENDC/PV.69, p. 32) his Government's readiness to negotiate on the basis of the eight-Power memorandum. Where, then, is the extreme position Mr. Godber accused the Soviet Union of taking yesterday? Mr. Godber said, " . . . I use the word 'extreme' advisedly" (ibid, p. 43). The Soviet Union has accepted the eight-Power memorandum so the accusation against the Soviet Union is at the same time an accusation against the memorandum. In other words, Mr. Godber has claimed that the memorandum accepted an extreme position. Is that correct? I think nobody could say that the memorandum accepted an extreme position. It is the obvious compromise.

Where, then, is the real difficulty in reaching agreement? I submit there is no objective difficulty. What we face are only subjective considerations, which are the stumbling block. It is the subjective element which is decisive at this stage of our deliberations. Is it, perhaps, the risk -- or the fear -- that the agreement will not be implemented? If there is such fear or a risk it works both ways. It travels many roads. It concerns all the parties to the prospective agreement. I would even say that on the basis of the well-known scientific facts the Soviet Union risks much more than the Western Power. If there is a risk I suggest it is a very small one -- very small indeed.

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Let me again refer to Mrs. Myrdal's considered conclusions in the speech from which I quoted earlier:

"Tests to be executed for the improvement of weapon systems would then, as now, have to be repeated, and probably even continue to reappear in series. Therefore the possibility of detecting them would increase by the law of numbers." (ENDC/PV.64, p.14)

That is clear and no one can deny it.

Apart from this, I think we ought to bear in mind that this treaty, which we desire and are determined to elaborate, is a treaty of a peculiar nature. States assume an obligation not to do something, not to act; to refrain, to abstain from certain actions. Such treaties can, by their very nature, be implemented and followed much more easily in the process of implementation. It is much easier to have a treaty implemented where it concerns not doing than when it concerns doing. Good faith -- I will go further -- uberrima fides and national self-interest are the best and surest safeguards. Would any nation dare expose itself to the obloquy which is attached to the violation of such a treaty? Would any State wilfully refuse to abide by its provisions? I refuse to accept that proposition.

Let me again revert to the field with which Mr. Dean is so familiar. I would say: "In the solemn treaties between nations it can never be presumed that either State intends to provide the means of perpetrating or protecting frauds, but all the provisions are to be construed as intended to be applied in bona fide transactions". Those are not my words, they were the words of Mr. Justice Story in the US v. Amistad.

I submit that this is, indeed, the safest guarantee. The negative, material and moral consequences of violation exceed by far the dimensions of the very hypothetical and, I would say, highly doubtful benefits that could be derived from it. There is no room for Machiavellian interpretation of a treaty on the banning of tests. There can be only one principle -- application of the treaty by all the States concerned. After all, we have to admit that, as Mr. Padilla Nervo so rightly said in this Committee some time ago, "there is no possible provision whose inclusion in a treaty can provide an absolute guarantee of its observance" (ENDC/PV.34 p.17). That is the situation.

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"Would we want to enter into a treaty which allowed any party to denounce it and to resume testing simply because a seismic signal had occurred which, if investigated in an on-site inspection, might prove to be a natural event?" Mr. Dean addressed this question (ENDC/PV.69, p. 18) to the Committee yesterday. Would any State party to such a treaty wilfully take upon itself the responsibility for the consequences of violating or vitiating such a treaty? Indeed, I do not see why Mr. Dean considers this as the only alternative. Is this the only risk we run today? I see a much bigger risk: the lack of a treaty. Whatever the fears or preoccupations once the treaty is signed, they can in no circumstances outbalance the lack of an agreement. Those two phenomena are out of proportion. The real alternative, the real danger, is quite clear to all of us: it is the continuous arms race, with the dangers of accidents and air contamination mounting, with all the evils to those born and unborn, evils known and unknown to us. That is the choice before us: a treaty or a continuation of tests. That is the real dilemma: that is the greatest risk we run if we do not conclude a treaty as quickly as possible. I say in all seriousness that we face a situation which calls for urgent action. Many words have been used in this Committee: sometimes people get used to them so that they do not even react. There is a danger of inflation of words, but certain words, though many times used, retain their value and force. We face a real danger of a continuous arms race, and particularly the danger of experiments doing serious harm to humanity. That is why urgent action is required.

As I said earlier, we have the tools. Let us, then, show our determination to use them. We have the tools, the eight-Power memorandum, and on this basis alone let us start real negotiations and elaborate a treaty which would ban tests for all time. It is a good document, a document of compromise, and we should take it in all seriousness. That is the only way we can go. In the light of what I have said and in view of the contradictions between the United States proposal and the eight-Power memorandum, I do not see the possibility of accepting the former as a basis for negotiation.

I think that this generation of ours, witnessing triumph and disaster, has more than any other the right to claim that an end be put to its trials, one of the greatest evils being the nuclear tests. Let us accept and elaborate a treaty on the basis of the eight-Power memorandum and thus discharge the great and heavy responsibility which is cast upon us.

Mr. CAVALLETTI (Italy) (translation from French): As yesterday's Chairman, Mr. Tarabanov bade welcome to Mr. Kuznetsov and farewell to Mr. Zorin on behalf of us all. Today the Italian delegation would like to associate itself sincerely with those wishes. It hopes that Mr. Kuznetsov's work in the Committee will be fruitful and lead to a good understanding between us all, and asks him to convey to Mr. Zorin a very friendly "au revoir" from the Italian delegation.

My delegation has followed with grave concern the difficulties that have arisen in recent meetings of the Sub-Committee of the nuclear Powers, and have been very fully explained to us afresh yesterday morning by the United States, the Soviet Union and the United Kingdom representatives. While thanking those delegations for the information they gave us, our delegation deeply regrets that no progress was made at last Thursday's meeting of the Sub-Committee. We had been really hopeful that the new proposals of the United States delegation, put forward in an obviously conciliatory spirit, would lift the Sub-Committee's work out of the impasse in which it has been for several months. Unfortunately this did not happen. I am deeply disappointed to see that the Sub-Committee has once again come up against an inflexible - in fact a totally intransigent - Soviet attitude.

There are passages from Mr. Zorin's speeches in the verbatim report of the twenty-third meeting of the Sub-Committee which cause us particular concern. The Soviet delegation has always told us that it wants to negotiate here in a "businesslike" manner. Why, then, does it regard as completely negligible such important concessions as the reduction by more than one-half of the number of inspections previously demanded by the British and United States delegations? To take, as Mr. Zorin did, a rigid stand on a position of principle is not to negotiate in a businesslike manner, but is more in the nature of an ultimatum; it blocks negotiation and prevents any honest compromise. Mr. Kuznetsov's intervention yesterday morning (ENDC/PV.69) while more moderate, did not seem much more encouraging. Nor was it very convincing, any more than was - if he will forgive me for saying so - Mr. Lachs' able speech this morning very convincing.

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My delegation refuses to regard the present set-back as final. The problem is too serious and our joint responsibility too deep to let us admit failure. I entirely agree with the opinion expressed by other delegations, that an agreement on a test ban should not only be our first and most urgent objective, but is to some extent the touchstone of our Conference's success. This debate which we have begun is therefore vital both in itself and for the fate of the Conference.

That is why I asked yesterday, and again ask, that it shall not be interrupted by the consideration of other matters until we have a complete picture of the situation and responsibilities have been fixed where they rightly belong. Of course this debate is not new. We do not need to go over again in detail the problem before us. On the contrary, we must concentrate on the essential points and seek there a way to agreement or - if that is impossible. - make perfectly clear who it is amongst us who is preventing the banning of tests.

Last April the new members of the Conference gave us the initial basis for an agreement. From the start the Italian Delegation warmly welcomed the eight-Power memorandum (ENDC/28). Along with the Indian delegation, we proposed at once that this important document should be carefully studied by the nuclear Sub-Committee. In the same constructive spirit we proposed (ENDC/PV.27, p.36) that the Sub-Committee should be enlarged to include the eight countries responsible for the memorandum so that they could take a direct part in seeking an equitable compromise. I believed and still believe that this collaboration, which the Soviet delegation refused, could have created a better atmosphere and perhaps led to the drafting of an agreed text.

At the resumption of our meetings in July my delegation stated that our work should start from the eight-Power memorandum. This was no vain hope, because we knew that the United States delegation, after long and thorough-going discussions with the other Western delegations, would shortly put forward new proposals which should open the way to agreement. These proposals (ENDC/SC.I/PV.23, p. 14) and ENDC/PV.69, p. 9), which have now been presented to the Conference, not only give the most serious consideration to the memorandum but are aimed directly at its specific practical application.

What does the memorandum propose? First of all, as we know, the establishment of a control system by means of national posts under international supervision. The text is clear and presents no difficulty of interpretation on this point. This is

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precisely the aim of the new United States proposals. They correspond perfectly to the spirit and letter of the memorandum; furthermore, they are not put forward as a rigid ultimatum, but leave us perfectly free to study together the most practical and appropriate means of applying the memorandum.

The last sentence of paragraph 4 of the memorandum indicates that the parties to the treaty should assume certain obligations. These obligations are interpreted diversely. The text, however, is clear enough to anyone studying it without preconceived ideas. The parties to the treaty, it says, should furnish the international commission with all the facts necessary to establish the nature of any suspicious event. This is clearly an unlimited obligation. More than that: in my view, a party to the treaty who believes that suspicious events have occurred in the territory of another party is entitled to move the Commission to ensure that no facts should escape investigation.

In laying down that a party to the treaty could invite the Commission to visit the site of a suspicious event wherever this is being verified, the memorandum entitles the party which thinks itself threatened to apply to the Commission to take the initiative of an on-site inspection on the territory of the other party. I have said that the text of the memorandum is clear; but even if different interpretations were possible, it is enough to consider the intention of those who suggested this rule of law to put all doubt to rest. I think that is very important, and I should like to ask Mr. Lachs, an eminent jurist, who gave us a very carefully worked out personal interpretation of the memorandum, to be good enough to think about this question and tell us if, in interpreting a text, one may neglect the mens legis and the intention of its draftsman. Obviously the eight delegations would never have dreamt of offering us a clause in a treaty leaving the door wide open to fraud and clandestine testing. On the contrary, they wished to propose measures fully safeguarding the parties against violation by any of them. To think otherwise would be to insult our colleagues.

This reasoning leads us to the main problem, the measures strictly necessary to safeguard the parties in this matter. Thus we come unavoidably to an essentially technical problem. Reluctance to study it means no desire for an agreement.

What are the indispensable technical means of controlling clandestine tests? That is a scientific question which arises directly out of the memorandum. It

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cannot be answered dogmatically, as some delegations would answer it; our answer must be well thought-out, carefully studied, and documented.

Two different answers have been given to this question. The Soviet Union is said to possess detection systems and instruments so perfect that they can identify any suspicious event without possibility of error, so that on-site inspection is quite unnecessary. On this point I should like to say, first, that the Soviet delegation, despite insistent demands, has categorically refused to inform this Conference of the new scientific system it has by which it could unhesitatingly identify any nuclear explosion, however small, in any part of the world. This is therefore an undocumented assertion. Secondly, the Soviet delegation has refused any joint technical study which might throw light on this subject.

My delegation has often proposed the appointment of working parties of scientists from the nuclear or other countries. The reply has always been negative. The Soviet side seems afraid of a frank and objective show-down, of any serious work on the memorandum; here too it seems obsessed by secrecy. The Western Powers, on the other hand, after the presentation of the memorandum, set to work scientifically to give practical effect to the eight-nation proposals. The results of this work have been presented to the Conference, and the experts of all the Western delegations have come here - they are here now - to explain their investigations and conclusions to anyone interested. Some non-aligned delegations also have experts in Geneva, in contact with ours. As you know, the United States and the United Kingdom Governments' results reduce on-site inspections to a minimum. We cannot rule them out completely, because without a minimum of on-site inspections the safeguard and security at which the co-sponsors of the memorandum aimed would not exist.

Our side has therefore kept its word and has worked on the basis of the memorandum to give practical effect to this in letter and spirit. We are ready to continue this work with others, flexibly and sympathetically, contributing our experts' help and our findings.

Unfortunately the Soviet side has not done the same. The Soviet delegation continues to repeat that it accepts the memorandum as the basis of discussion and of agreement, but when asked to put its attitude into specific terms and bring it down to earth, it refuses all collaboration. It declares that technical data are valueless and a technical discussion would be a waste of time; but the truth is

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that only through a sincere and objective scientific discussion can a valid outcome be reached in conformity with the memorandum. We may well fear that we are faced with a closed mind, a rejection in advance of any idea of inspection or control. Such a refusal would be contrary in letter and spirit to the eight-nation proposals, and would show that the Soviet delegation, despite its frequent protestations, does not really accept the proposals of the memorandum at all - or does so only with very strong mental reservations and ulterior motives.

In my view we should, despite the difficulties, go on trying to reduce the memorandum to concrete terms. But first there arises an important question: suppose Soviet obstinacy precludes a complete agreement for the time being, could the memorandum be applied only to tests in the atmosphere and the sea? Naturally there would be no question of accepting an uncontrolled moratorium on underground tests; that is clearly out of the question, as we are familiar with the dangers of an uncontrolled moratorium; but could we not at once draw up a preliminary treaty which would bind the parties in one sector only? This would of itself bring great relief to the world, and might make a full agreement easier to conclude later on.

Apart from that problem, however, there are many others which should be thoroughly tackled without delay, so that we can gradually pin down the major obstacles and reduce the areas of disagreement. In other words, we should work along the lines we have adopted for the treaty on general and complete disarmament. Some of these problems were mentioned by Mr. Padilla Nervo on 9 May (ENDC/PV.34, pp. 15, 16); others formed the subject of the Swedish representative's speech on 1 August (ENDC/PV.64, pp. 16 and 17).

I think that at this stage in our work we should prepare together a list of all these problems - that is, a questionnaire based on the proposals I have mentioned and any others that may be put forward. Each question on the agreed list should then be given careful technical, scientific and political study, with the aim of preparing a fully or partly agreed preliminary draft, which would thus be the Conference's and not the eight Powers' draft.

This is a work plan which would perhaps enable us to present to the forthcoming United Nations General Assembly some preliminary, even if partial and rudimentary results, as evidence of the efforts and goodwill of the majority of the delegations here. I hope that the General Assembly will give us encouragement and exhortation

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which will finally dissolve the barriers of principle and rigid obstinacy which I deprecated some moments ago and which unhappily slow and stop our work.

Italy, I have said repeatedly, is opposed to all tests. That is why it condemned the Soviet decision to violate the "gentleman's" moratorium unilaterally and thus inevitably restart the tragic nuclear spiral, the latest dangerous episode of which is the recent launching in Russia of a series of nuclear tests which have been deplored by most of the delegations here. For all of this there are very heavy and clear-cut responsibilities which cannot easily be concealed. But every delegation here would be equally responsible if it did not keep trying by every means with all its strength to put an end to this perilous race, refusing to be discouraged by setbacks or intransigence. For this very reason, in spite of our present difficulties, I think our Committee should continue its efforts without pause along the lines which I have suggested, or along any others that may appear useful and constructive.

Mr. FATAH HASSAN (United Arab Republic): My delegation has studied with great care the verbatim record (ENDC/SC.I/FV.23) of the meeting held by the nuclear Sub-Committee on 9 August 1962, as well as the statements made yesterday here in this Committee. We have taken note of Mr. Dean's remarks at the Sub-Committee meeting, and of the remarks he made yesterday to the effect that the United States endeavour has produced a number of technical conclusions which bear "on the efforts of the United States to respond to the eight nation initiative to achieve a workable comprehensive test ban treaty ..." (ENDC/FV.69, p. 7). We sincerely hope that the nuclear Powers will find their way to such an agreement on the basis of the joint memorandum (ENDC/28).

We note with regret, however, that the interpretations by the two parties of the joint memorandum remain as wide apart as ever, reflecting as they do the same divergent and unyielding positions of the two parties. The evidence is growing, unfortunately, that repeated professions of the desire to end testing, and the latest evaluation of scientific capabilities of policing a test ban, are not permitted free and full play and are prevented from serving practical and broader interests.

I feel it would be mere repetition if I stated here today what my delegation has reiterated time and time again all through the last five months, namely that we

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are opposed to nuclear testing, that we condemn it, and that we deplore it whenever it is conducted, wherever it takes place and from wheresoever it may come. For this is really nothing new and, indeed, I can think of nothing more to add to it. It has already been expressed very bluntly and explicitly by nearly every delegation represented at this table and, in fact, I am almost certain that no two in the whole world could disagree about the pernicious results of both atomic tests and increasing radioactive contamination; pernicious results which are the entire, whole and absolute responsibility of the atomic Powers on whose shoulders rests this burden; pernicious results for which the whole human race will never forgive those responsible.

Whatever may be the cause, the impetus or the pretext for conducting nuclear tests, nothing could possibly justify the continuance of a nuclear race which exposes all our human heritage to the danger of complete destruction; and I would add that so-called "national security", the pretext which has always been brought to the fore by one side and the other to justify their dogged stands, has in fact become a phrase that does not convince the people of the world any more. Mankind is far from being interested in hearing excuses, rebuttals or accusations. Nothing short of an agreement to ban all future tests will help to restore mankind's faith and confidence and, indeed, nothing short of such a treaty will ever convince the world of the nuclear Powers' true greatness.

The eight non-aligned States have pointed out time and again that the bases for an agreement are present if only they are matched with the true will to reach agreement. Yet the performance of the nuclear Powers on 9 August shows that most of the reasons for their unwillingness to move closer stem from political considerations rather than from observance of practicality.

Verification of underground unidentified events is still said to be the major stumbling-block in the path of reaching a test ban agreement. We believe that a test ban should be the first and major step towards disarmament, in fact facilitating disarmament and leading up to it; and although we believe effective physical verification to be a "must" for disarmament, and the only guarantee for the proper implementation of its measures, we fail to see why there should be so much disagreement on the modalities of a test ban verification. Unlike disarmament measures, which have no way of being ensured except by effective physical verification,

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nuclear tests in all environments do not fail to announce themselves to far-flung observation posts, such as are suggested in the eight-Power memorandum. That was demonstrated by the detection and identification of Soviet tests by Western stations, and vice versa.

Nothing has changed our conviction that to date the eight-Power memorandum remains the best, the most practical and the fairest basis for a test ban settlement which might safeguard the national security as well as the national prestige of all the parties concerned. In her thought-provoking and scientifically documented statement of 1 August Mrs. Myrdal, the representative of Sweden, once again gave proof of the adequacy and the well-foundedness of the basic theory of that memorandum. She pointed to the existence of a vast network of observation posts actually co-operating among themselves, and she said also that:

"Many reports have been published to demonstrate how nuclear tests in different parts of the world have been detected and identified in various countries." (ENDC/PV.64, p. 13)

She added that the French underground test in the Sahara on 1 May 1962 was recorded, identified and reported by 65 different stations, among them many Western and Eastern stations (ibid.).

We do not claim that gaps will not be found in the memorandum but, in harmony with the statement made by Mr. Lall, the representative of India, on 3 August we also believe that they may be gaps of detail but not of principle (ENDC/PV.62, p.). To our delegation the basic principles of the memorandum are not in question; they are even more valid today than when the memorandum was delivered on 16 April.

Among those principles, one in particular seems to go to the heart of the matter: I am referring to paragraph 4 on page 2 of document ENDC/28:

"All parties to the treaty should accept the obligation to furnish the Commission with the facts necessary to establish the nature of any suspicious and significant event."

The same paragraph goes on to spell out clearly that pursuant to that obligation -- namely, the obligation referred to above to furnish the commission with the necessary facts --

"the parties to the treaty could invite the Commission to visit their territories and/or the site of the event the nature of which was in doubt."

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We feel that this is an essential concept of the memorandum which must be accepted if the memorandum is to stand together.

We shall refrain from attempting to interpret the memorandum at this juncture, just as we have so far religiously refrained in our statements and in all our private talks with any of the members of other delegations from interpreting the memorandum, the powers of the commission or the nature of the obligation. Nevertheless, we find it possible to say that that essential concept of the memorandum is in harmony with the theory of the memorandum based on the establishment of speedy and full co-operation between the parties and the international commission, which is to be entrusted with the tasks clearly enumerated in the memorandum -- namely, processing the data received from national networks of observation posts, consulting with the parties and reporting on the results of its processing and consultations. If, however, the nuclear Powers fail to agree upon an interpretation of the memorandum before the next session of the General Assembly, and if they carry their differences to that body, might not the General Assembly want to ask the eight co-sponsors of the memorandum to submit their own opinions on the memorandum as well as on a draft test ban treaty?

It seems to us that, more important than going on about the interpretation of whether the international commission's powers are mandatory or not, our deliberations should turn to the question: "When should on-site inspection be necessary in practice?" I underline that question. Rather than holding to positions of principle, I would emphasize that discussion should move to the realm of the practical, the adequate and the necessary. Might it not be possible and more profitable for the two co-Chairmen to lay down agreed practical criteria to govern when on-site inspections become necessary, so as to dispel any doubts as to the nature of suspicious and significant events? We would rather not go into the specific details or give examples of such practical criteria, but would prefer to leave it to the two co-Chairmen to reach agreement upon them. If, however, at any moment they wished to consult other representatives for their opinions on this point, we are confident that they would find members of the Committee eager and willing to contribute towards such a solution.

From what I have said it is obvious that we believe that practical and adequate solutions for an underground test ban are not beyond the resourcefulness of the nuclear

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Powers. We all have confidence in their ingenuity; yet what is needed is a little more "give" on points of principle and prestige. The suggestions put forward by the neutral Powers have taken into consideration both the question of security interests as well as the question of national prestige of both parties. Given the real will to agree, they should now produce a satisfactory solution.

If the nuclear Powers cannot present us with some semblance of a justification for their differences on underground tests, they now face a challenge on their real intentions and their desire to end the madness of the nuclear arms race. If the nuclear Powers, now more than ever, fail to agree on a test ban in the atmosphere, in outer space and under water, it will not be -- as the next session of the General Assembly will judge for itself -- for lack of projects or for any dearth of fresh ideas.

As it happens, a very encouraging and significant event has taken place over the last few days. It is the successful launching by the Soviet Union of two cosmonauts, which deserves our most sincere congratulations without doubt. That in itself is a significant development, but it is not the only one we have in mind. What should be a source of encouragement to our negotiations to end atmospheric and outer space tests is the agreement between the Soviet Union and the United States to suspend atmospheric and outer space tests during the flights in orbit of the two astronauts. Thus, for all practical purposes, the nuclear Powers have actually agreed on a moratorium of atmospheric tests -- although of a certain limited duration. The Soviet Union asked for the cessation of tests and the United States willingly agreed and graciously wished the two Soviet pilots success in their mission. That same spirit of practical common sense, tolerance and, indeed, attention to the interests of mankind at large should now guide the nuclear Powers towards extending the time limit of the aforementioned moratorium.

On 13 June, the day before our Committee went into recess, my delegation was among the very last to comment on the subject of a test ban. We were bold enough to hope to leave a few thoughts with members of this Committee for consideration during the recess.

With reference to the offer of the Western Powers of 3 September 1961 (GEN/DNT/120) and to the offer of the Soviet Union made on 28 November 1961 (ENDC/11) we took the opportunity offered to ask the question:

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"Since less than a year ago it was possible for one party and the other to offer a test ban treaty banning atmospheric tests, with no additional international obligatory controls required, and relegating the solution of the more thorny, less important underground tests to some future date, would it not again prove possible for both parties to give a little here and a little there and arrive at a settlement which might embody the desires, and indeed the spirit, of the offers of both parties already referred to?" (ENDC/PV.55, p.34)

I went on to say:

"I should like to leave this thought with the Committee for further consideration and study during the imminent recess.

"Within the next round could this not be brought about? Could not an agreement be signed, reiterating the spirit of those previous offers, carrying them one step further and harmonizing them with the spirit and content of the joint memorandum?" (ibid, pp.34, 35)

Furthermore, the representatives of Brazil, Nigeria, Mexico, Sweden, Ethiopia, Burma and India, in their respective statements, were good enough to formulate definite and elaborate suggestions and proposals along similar lines. Indeed, my delegation finds itself in general and complete agreement with the spirit of hope contained in those statements and with many specific points expressed therein.

With all those aforementioned bases for agreement on record what would be the verdict of mankind, represented by the General Assembly, if no test ban should be forthcoming? And when our Committee comes to grips with the problem of drafting the next report to be presented to the Assembly may it not perhaps be considered appropriate that those various non-aligned suggestions, proposals and scientific submissions should be high-lighted in that report, in order to acquaint the General Assembly with the true picture of the situation? For the non-aligned countries have spared no effort to help reach a step they deem an essential prerequisite to disarmament.

It is virtually obvious to the whole of mankind that no real progress can be achieved towards general and complete disarmament until the nuclear Powers first agree to a nuclear cease-fire. Indeed a nuclear test ban is held to be part and parcel of disarmament and the logical first major step towards that end. The hoarding and stock-piling of armaments are a potential war danger but they are not actual warfare; whereas nuclear weapon tests, especially those conducted in the

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atmosphere, in outer space and under water, are nothing short of actual aggression against humanity --- an aggression which mankind has repeatedly condemned and now demands an immediate cessation of.

I should like to assure the Conference that it is the opinion of the Government of the United Arab Republic that there is no lack of bases for an honourable and secure settlement. My delegation cannot but agree with the words of the representative of the United Kingdom when he said yesterday:

"... the elements of an agreement on a nuclear test ban treaty do now exist if there is the will on both sides to achieve it. I affirm my faith that those principles, those possibilities, those elements do exist, and I should like to try to generate hope in this Committee ..." (ENDC/PV.69, p.33)

Indeed, the process of any intelligent human action involves a design and its fulfilment; and, as disarmament remains our cherished and well-sought design, the cessation of tests is the most urgent and most timely step to be taken towards the fulfilment of that end.

Mr. HAJEK (Czechoslovakia): First I should like to join all those representatives who have expressed to our Soviet colleagues their satisfaction and at the same time their congratulations in relation to the happy conclusion of the space flight of the two astronauts, Major Nikolayev and Lieutenant-Colonel Popovich. This is indeed a great and important achievement not only of Soviet science and technique but of the whole of humanity. It stresses once more the bright side of the development of human capacities by a proper use of science and technology and the splendid prospects it opens for the human race. Our delegation thinks that in this Committee, where we have to deal at length with the possible harmful and catastrophic effects of science and technology improperly applied, it is necessary and useful to stress that bright side and those prospects. At the same time we think that this important achievement, by itself and by its context, stresses once more the necessity for a satisfactory solution of the problem we are debating now, namely, the cessation of nuclear tests.

We have, as all our colleagues certainly must have, carefully studied the verbatim records of the meetings of the Sub-Committee on a Treaty for the Discontinuance of Nuclear Weapon Tests, and we have followed with great interest the discussions that have taken place yesterday and this morning. All we have read

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and heard could only confirm the opinion which the Czechoslovak delegation defended in our previous discussions before the recess of our Conference: namely, that the memorandum (ENDC/28) submitted by the eight non-aligned nations, first of all, represents an important step forward in the attempt to break through the impasse and, further, that it presents the only basis for further negotiations and for a satisfactory solution of this problem. At previous meetings we have already had the opportunity to express our surprise and dissatisfaction at the attitude of the United States and United Kingdom delegations towards the initiative which was taken by our colleagues from the non-aligned countries with genuine goodwill in an endeavour to lead the discussion of the cessation of nuclear weapon tests out of an impasse.

Following their unsuccessful attempt to ignore completely the eight-nation memorandum of 16 April, the Western Powers stated that they accepted it as "one of the bases" for discussion, but immediately thereafter they insisted that the memorandum be interpreted in such a way as to mean in fact the very opposite of what it actually stipulated. In other words they insisted that the network of national detection posts and inspection by invitation should be replaced by an international control system and obligatory on-site inspection. We have already stated that this strange kind of interpretation can convince no one, and it discredits not only the delegations of the United States and the United Kingdom but also the discussions taking place in this Committee. It was obvious that with such an attitude on the part of the Western delegations it was impossible to reach agreement, and that it was because of that attitude on the part of the Western delegations towards the eight-nation memorandum that we did not achieve a solution in the first part of our session.

The period which has intervened since has only brought new evidence, first of all, of the urgency of the cessation of nuclear weapon tests. We have mentioned today one of the events that have brought this necessity before us and emphasized it once again -- namely, the space flights of the Soviet cosmonauts and the importance of not hindering or obstructing that important achievement by high-altitude tests. But there were, of course, many other instances and facts; the period also brought new evidence of the expectations, hopes and desires of nations regarding the achievement of that aim, and of the fact that the core of the eight-nation memorandum -- that is, the national detection system and inspection by

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invitation -- is absolutely correct, and that is very important. It is already generally recognized by world public opinion, it is a commonplace in the world Press and throughout the world and it is recognized in scientific circles, including those of the United Kingdom and the United States, that the detection, identification and location of tests, including underground tests, requires today neither an international system of control posts nor obligatory on-site inspection. Even the United States was well aware that its previous position was untenable, and therefore indicated, immediately upon the resumption of our discussions in mid-July, that a new position would be forthcoming. The Press and the United States delegation here spoke of extensive research in the United States, of the many hours and days spent in discussing the results of that research with scientists and of the millions of dollars allocated for that purpose. Mr. Dean's journey to Washington and the consultations of top-ranking United States representatives regarding the new attitude which the United States Government was about to take on the question of the cessation of nuclear tests were widely publicized.

Now we have read the new proposals in the verbatim record (ENDC/SC.I/PV.23, p. 14) of the Sub-Committee meeting and we heard them yesterday (ENDC/PV.69, p.9) directly from the representative of the United States, and we cannot hide our dissatisfaction because what we heard proved quite clearly that the so-called new United States position contained in the proposals with which Mr. Dean returned from Washington does not represent any substantial or qualitative change in the original United States concept. The fact that under the new United States proposals the numbers of control posts and on-site inspections required have been reduced as against the original proposals merely demonstrates that only quantitative changes have been made, which do not, however, at all imply the adoption of the principles embodied in the eight-nation memorandum. Indeed, Mr. Dean proved that himself when, during the discussion in the Sub-Committee and once again in the plenary meeting yesterday, he pointed out with emphasis which amounted to the delivery of an ultimatum that unless an agreement were reached on obligatory on-site inspection the United States did not intend even to discuss other conditions for the conclusion of a treaty on the discontinuance of nuclear weapon tests. Moreover, Mr. Dean implied by his ultimatum that even agreement on control measures to be carried out under general and complete disarmament would depend upon acceptance of the untenable United States proposals concerning the cessation of nuclear tests.

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Similarly, the so-called acceptance of the concept of the establishment of a world-wide network of control posts made up of national posts under international supervision and control does not represent any real change in the original United States position. It is clear that the insistence upon extensive international control of the activities of national posts and the setting of many conditions regarding the manning and the technical equipment of such posts are expressions of the endeavour to deprive those posts of their genuinely national character. The entire course of action followed by the United States delegation during the discussion on the discontinuance of nuclear weapon tests, the climax of which was reached in the abovementioned modifications submitted last week to the Sub-Committee and yesterday to the plenary Conference, proves that in fact the United States still adheres to its original position. Apparently the concept in the memorandum is not in harmony with the plans of those circles in the United States which do not desire the cessation of tests but orientate themselves on continued nuclear armament. At the same time the United States delegation still tries to convince us that, by inserting into the eight-nation memorandum what is not written there and what cannot be deduced by any effort, however painstaking, it is merely interpreting that memorandum. What kind of interpretation is that?

At the same time the United States representative criticized the Soviet Union for favouring the principle of inspection by invitation and tried to prove (ENDC/PV.69, page 19) how inadequate such inspection by invitation would be. But in fact -- and this is confirmed by what the representative of the United Arab Republic said earlier today -- that is an essential concept of the memorandum which must be accepted if the memorandum is to hold together. He said that after quoting once again the part of the memorandum in which it is stipulated that the parties to the treaty "could" invite the commission to visit their territory -- that is, the principle of inspection by invitation. If the United States is criticizing the Soviet Union for taking an intransigent stand on that basic principle of the memorandum of the eight it is in fact demonstrating in great detail the opposition of the United States delegation to the eight-nation memorandum itself.

The sharp distinction drawn by the United States representative at our meeting yesterday between the two principles -- that of inspection by invitation, alleged to be only the Soviet position, and that of obligatory on-site inspection -- merely confirms that the gap between the previous position of the Western Powers

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and the eight-nation memorandum remains the same even today, following the consultations of Mr. Dean in Washington and following the wide publicity which was given to the so-called new position. That is, I submit, the most fundamental feature which characterizes both the previous and the present position of the United States. On the other hand -- and this is interesting to observe -- those who defend United States policy do not care at all to explain in the world Press and in the various statements addressed to a wider section of public opinion the relation of the United States position to the eight-nation memorandum, to its basic provisions. On the contrary they are increasingly discreet and reticent on the eight-nation memorandum and, instead, increase their accusations against the Soviet Union of an allegedly inflexible and negative position, although we know full well that already on the third day after the submission of the eight-nation memorandum, namely, on 19 April, it was precisely the Soviet Union which accepted that memorandum fully and without reservation, as has been recalled here by one of our colleagues (supra, p.13).

The United States and its allies are not at all justified in throwing the blame for the continuation of tests on the Soviet Union, as did the representative of Italy this morning, for instance; neither have they the right to condemn the current series of Soviet tests. The Soviet testing would not have taken place had the United States accepted the eight-nation memorandum in April and refrained from starting its own series of tests, which were extended to the ionosphere despite the serious objections of scientists. As the Soviet Union rightly warned before the United States tests were launched, and as was emphasized once again in the Press statement which has been circulated as document ENDC/59, it was precisely the United States tests -- carried out as we all know over the protests and warnings of the whole of mankind, as well as of the overwhelming majority of the members of this Committee, and planned, as we pointed out, as a means of putting pressure on the Committee -- which compelled the Soviet Union to continue to improve its defence capabilities, not only in its own interests but in the interests of all the socialist countries and of the preservation of peace in general. It is not the Soviet Union but the United States which professes the theory of a balance of terror, and which practises it and imposes it on mankind in various forms through its policy.

We can say that on the question of the cessation of nuclear weapon tests the United States not only adheres to its old position but also employs the old methods

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of distortion in advocating it both in this Committee and before world public opinion. We can only regret that the United States shows a complete disregard for good will and the genuine endeavour of the sponsors of the eight nation memorandum, and of the capacity of understanding of all members of the Committee as well as of world public opinion, in trying to make them accept such distortions. It is obvious that that is not the way to agreement on the cessation of nuclear weapon tests. Moreover, the entire manner in which the United States handles this question does not indicate that there is a genuine desire to reach such an agreement.

Permit me now to touch upon the proposals made by the representative of the United Kingdom and repeated in a different form by the representative of Italy. In an endeavour to support the position of the United States on the discontinuance of tests -- a position the untenability of which is absolutely clear to scientific circles in many Western countries and, especially, to public opinion in the United Kingdom -- the Western delegations invite us to show in our work what they call a practical attitude: namely, the consideration from the scientific point of view of the so-called "new" United States proposals, which have been proved to be new only in name, and to prove them by having them discussed by scientists of various countries, some of whom are now in Geneva. The Czechoslovak delegation has indeed -- as has its Government and its people -- great respect for science in general, for scientific workers and, especially, for scientists concerned with the problem of detecting and identifying nuclear tests; but we have great misgivings regarding the usefulness of such discussions before there is agreement on what are the main principles, the core, of the eight-Power memorandum. As is well known, willingness to accept the eight-nation memorandum as a basis -- as the new basis -- for discussion and negotiation has been shown so far only by the Soviet Union. Therefore it is first of all the political consideration of this question which is most important at present. For taking that political decision no further scientific discussions are needed. In fact, life and science have convincingly proved that today we can not only reliably detect all the important types of nuclear explosion but can even differentiate between such explosions and natural phenomena.

It has been asserted that there are differences between scientists about certain cases of minor dimensions. It is quite obvious, even from the Western literature available to us, that the cases concerned are indeed exceptional ones. Moreover, the tests are of such a size that, although they could be carried out clandestinely

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in a single case, in a situation where the need for a whole series was advanced once more, then -- as was stressed in the very well pondered statement of our Swedish colleague -- even if they could be carried out clandestinely they could not be of any important use to the Powers involved. And the political risks resulting from breaking an agreement would be so great that their alleged or supposed utility would be comparatively even less. Indeed, for such exceptional and doubtful marginal cases inspection by invitation would be the appropriate solution. Therefore, what has been proved once more by all the scientific evidence is the well-balanced character of the eight-Power memorandum. But what are we invited to do in engaging in another scientific discussion? We are invited to find the foundation and justification for the untenable position of the United States, which is exclusively motivated by political considerations. At this juncture what should we discuss? Such a discussion would not help us forward but would lead our work astray, even creating a false illusion about it in world public opinion.

In support of our position I should like to recall the intervention made on 17 July by the representative of India who, in connexion with the Vela Project, drew attention to the fact that often scientific considerations and conclusions are motivated by political aims (ENDC/PV.58, pp. 29 et seq.). We therefore do not see any utility in switching the discussion in our Committee from the political issue -- which is the acceptance of the eight-Power memorandum -- to a discussion which would lead us astray from this issue. We repeat once more to the United Kingdom and United States delegations: accept the eight-Power memorandum as the basis for negotiation; do not put forward ultimatums inconsistent with the letter, spirit and purpose of this memorandum. We will then be able to conduct further discussion and to proceed to the establishment of an international commission, to have scientific discussion within its framework, as well as to work out measures as proposed by the representative of Sweden.

Many delegations have already pointed out that the memorandum remains the basis for further discussions on the cessation of nuclear tests. What is now proposed by the United States is as remote from the memorandum as its earlier position. No attempts to insert in the memorandum, by way of so-called interpretation, what has never been there can veil the fact that the responsibility for the failure of negotiations held so far on the discontinuance of tests rests fully with the United States and those who endorse its position. It is desirable that the United States

(Mr. Hajek, Czechoslovakia)

put an end to these practices, express itself clearly on the substance and wording of the eight-Power memorandum, and on its basis, which the Soviet Union has unreservedly accepted, sincerely seek agreement on the discontinuance of tests. This discussion has proved that there is no alternative other than to accept the eight-Power memorandum and to draft a treaty based upon it.

Mr. BURNS (Canada): On behalf of the Canadian delegation I wish to place on record once again the position of my Government regarding the cessation of nuclear weapon tests. As recently as 24 July (ENDC/PV.60, pp.24-32) the Secretary of State for External Affairs of Canada stated in this Conference my Government's position, reaffirming that Canada has been and remains unalterably opposed to all tests in whatever environment they are conducted and by whom. We are deeply convinced that the nuclear Powers must stop the round of testing in which they have engaged since the Soviet Union chose to resume the race a year ago, and that the task of reaching an agreement to that effect is the most pressing issue now before the Conference.

No objective observer can assert that the security of any State can be increased by prolonging what the representative of Sweden, Mrs. Myrdal, so aptly described (ENDC/PV.64, p.7) as "abominable rehearsals" for nuclear war. Nor can we feel much confidence that our efforts to achieve progress towards our goal of a treaty on general and complete disarmament will be successful unless and until a halt has been called once and for all to the grim competition which now goes on in the testing to develop ever more powerful weapons capable of exterminating whole populations.

The over-riding importance for the future work of this Conference of reaching an early agreement on the cessation of tests has already been so eloquently expounded by other speakers, among them our Chairman of today and the representative of the United Arab Republic in his speech this morning, that I do not need to develop this theme any further. We all agree that the vicious circle of nuclear weapon testing must be broken and broken soon if the general disarmament negotiations are to move forward.

How is this agreement, which is so essential to world peace and security and so vital to the accomplishment of the task of this Conference, to be achieved? The Secretary of State for External Affairs of our country said in his speech on 24 July

(Mr. Burns, Canada)

that the eight-Power compromise proposal submitted last April represented a major contribution to overcoming the main obstacle which has blocked progress thus far, that of finding a satisfactory verification system which would provide assurance that all parties were honouring their obligation not to conduct tests. Mr. Green pointed out that the proposal in the eight-Power memorandum for an improved system of national detection stations combined with the establishment of an international centre to collect and analyse the data received from those stations should provide an adequate technical basis for an agreement acceptable to both sides.

The Canadian delegation finds it encouraging that, in broad terms, the results of the intensive research which two of the nuclear Powers have been carrying out in the field of detection and identification of nuclear explosions appears to bear out that assessment. The Conference has been told that, as a result of recent research, it should be possible to modify and simplify very considerably the requirements which had previously been thought necessary to establish a sound and workable detection system. In our view the data yielded by this research programme -- which delegations now have an opportunity to discuss in detail with the scientists who have come here from several nations -- taken in conjunction with the approach originally suggested by the eight non-aligned members of this Conference provide ample material for decisive negotiation between the nuclear Powers on an acceptable test ban treaty, and we hope that that available material and that opportunity will not be allowed to remain unused.

The Canadian delegation has studied carefully the verbatim record of the meeting held by the nuclear test Sub-Committee on 9 August (ENDC/SC.I/PV.23) and has, of course, followed with great care what has been said in our debate in the plenary meetings yesterday and today. It is evident to all of us that the issue which must be resolved if we are to avoid yet another deadlock in the negotiation of a test ban treaty is the question of on-site inspections, whether they are obligatory or whether they are by invitation, and what is meant by "by invitation" in the case of events which cannot be identified with certainty as nuclear explosions by external instrumentation alone. And here I should like to say that the Canadian scientific advice available to my delegation is that at the present time, no matter how good the detection system which we devise, events will still be reported whose character can be determined only through actual inspection on the spot. That is what our scientists tell us and we believe that they are stating the scientific facts.

(Mr. Burns, Canada)

I know, of course, that the representative of the Soviet Union has expressed a different view, and the Canadian delegation joins those other delegations which have tendered an invitation to him to come forward with scientific evidence which would prove conclusively that he is right on this point.

Our task is too serious to rely on what has been published in the newspapers here or there or on loose statements that the scientists of the Western world all agree on this or that. We have here the scientists who have been most concerned with this matter. We should like to see scientists of equivalent standing from the socialist countries. The insistence of the delegations of the socialist countries on our not listening to scientists but deciding a political question -- that is, as I understand it, deciding on the acceptance of the eight-nation memorandum (ENDC/28) according to the interpretation given by the Soviet Union -- does not seem to the Canadian delegation to be an attitude or a method of proceeding which would lead us out of our deadlock. But, whatever the final verdict is regarding the necessity of on-site inspections, it seems to my delegation that that verdict can only be reached on the basis of an agreement concerning what a good and sufficient detection system can or cannot do. The Canadian delegation, therefore, supports the proposals which were advanced by the representative of Sweden on 1 August (ENDC/PV.64):

Instead of becoming deadlocked on the principle of on-site inspection, members of the Conference, particularly the nuclear Powers, should examine the practical steps required in setting up, as envisaged in the eight-nation memorandum, a worldwide detection system the essential elements of which appear to have been accepted by all the nuclear Powers. The remarks made this morning by the representative of the United Arab Republic bear me out on this. He said:

"... more important ... our deliberations should turn to the question, 'When should on-site inspection become necessary in practice?' ... Rather than holding to positions of principle, I would emphasize that discussion should move to the realm of the practical, the adequate and the necessary."

(supra, p. 24):

The Canadian delegation holds the same view.

We have heard a very eloquent address by the representative of Poland concerning the meaning of the phrase "could invite" and we do not wish to dispute his learned exposition of its meaning. From my understanding of his statement, I feel that we rather tend to agree with him; "could invite" means could invite. But we want to

(Mr. Burns, Canada)

know what the people who say that they could invite us are actually going to do. We want to know what meaning is behind their statement. We have been told that Mr. Zorin said one day that his Government, in accepting this proposition, would be prepared, in certain circumstances, to issue invitations. Let us suppose we say that we could invite Mr. Smith to dinner, although everybody knows that we are suspicious of Mr. Smith and we fear that if we invite him to dinner he will steal our spoons; what then is the meaning of the statement that we could invite Mr. Smith to dinner? If we know that the Soviet Union, as has been said so many times, is so suspicious of anyone, Western or neutral, entering its country, believing that such persons enter purely for the purpose of spying and doing so because of the desire for intelligence of the Soviet Union's famous bugaboo, the Pentagon, what assurance can we have that any invitations will be issued by the Soviet Union to the international commission which is to be established? We might make some progress if the Soviet Union would tell us that by the phrase "could invite" it means that, in a certain number of cases, there would be invitations, or if it would say what safeguards it would like to have imposed on these visits in order to make sure that the inspectors would not be able to obtain certain information or to utilize it improperly. These things follow from the necessity, as we are told by our scientific advisers, for visits in connexion with a certain residue of events.

We have heard several representatives this morning congratulate the Soviet Union on the feat of its cosmonauts, and the Canadian delegation wishes to express its admiration for the bravery of those men and for the scientific and technical skills which have enabled their feat to be carried out. They have whirled around the world for millions of miles. We welcome that; but we would welcome still more a few steps forward taken by the Soviet Union on this question of on-site inspection; we would welcome assurance given to the rest of the world that there is nothing hidden, that there is willingness on the part of the Soviet Union to join with the rest of the world and to show that indeed there can be no possibility of these nuclear tests underground taking place, thus dispelling one of the darkest areas of the doubt, suspicion and fear that hangs over the world and prevents our advance towards general and complete disarmament.

Mr. DEAN (United States of America): At our meeting yesterday the representative of the Soviet Union intimated that the United States had posed an ultimatum to the Soviet Union (ENDC/PV.69, p.23). He suggested that we were demanding to have the Soviet Union accept the obligation to facilitate an on-site inspection before we would discuss details of a comprehensive treaty banning all our nuclear weapons tests.

The United States is definitely not presenting the Soviet Union with an ultimatum. Let me make the position of the United States very clear. The United States is not stating a position which has no movement in it. On the contrary, in co-operation with our United Kingdom colleagues we have done the most tremendous amount of research into this field for the express purpose of getting on with the nuclear test ban treaty. We and our United Kingdom colleagues have done our best to share this research with the world and we have had the privilege of conferring with scientists from some of the other delegations which are present here, and of course we have invited our Soviet colleagues to bring scientists to Geneva. I do not think that, except in the case of our Soviet colleagues, there is any dispute whatever about the present scientific opinion upon these questions which are before us -- about the ability to detect, to identify and to locate earthquakes and nuclear events by distant instrumentation -- or about the fact that there will always be, even with the best system, some number of unidentified events with respect to which there will have to be on-site inspection. In fact, speaking for the United States, our Department of Defense issued a most important release on 7 July (ENDC/45). So we are proposing to negotiate here with our Soviet colleagues about all the details for a treaty.

What the United States is saying is that there is an important and indeed a vital relationship between the acceptance of the obligation to facilitate an on-site inspection on the one hand and the number of such inspections and the number of detection stations on the other hand. They are all part of the same ball of wax. We cannot discuss numbers of on-site inspections or numbers of detection or control stations intelligently until we know that the basic principle of obligatory on-site inspections is acceptable and that it is not a question of an invitation to be issued or not as a particular party desires.

(Mr. Dean, United States)

You may all remember Shakespeare's character, Prospero, who said that he could call spirits from the deep. "Yes," the other party said, "so can I. But the question is, will they come?" What we have to be clear about is whether these invitations upon the request of the commission will actually be issued. That is the question.

To be sure that there is no misunderstanding, let me explain our concept of the relationship between these factors of on-site inspection -- the numbers of detection or control stations and the numbers of on-site inspections. The position of the United States is that it is quite willing, and more than willing, to negotiate about a reduction in the number of on-site inspections to be permitted on the territory of the three nuclear Powers from the number the United States and the United Kingdom proposed in their draft treaty of 13 April 1961 (ENDC/9).

As all the delegations here are aware, that number was from twelve to twenty; it depended on the number of unidentified events. Mr. Tsarapkin, the representative of the Soviet Union, said one day (GEN/DIT/PV.307, p.12) that there were not more than fifty unidentified events. At that time we thought there were about three hundred events in total; and, on the principle of taking one hundred unidentified events as maximum and on the principle of one inspection for five unidentified events, I said to Mr. Tsarapkin that if his scientists were correct, then, on that principle, there would never be more than twelve on-site inspections, while if, on the other hand, there should be 100 unidentified events, then we would have one on-site inspection for each five unidentified events about sixty (GEN/DIT/PV.311, p.7). We thought that was a very fair offer at the time, but nevertheless we have continued to do our homework and, as I say, if this principle of on-site inspections is accepted we are prepared to go further than we have gone before.

The United States now believes that, because of the research which has been carried out, this number of on-site inspections can probably be reduced. But I submit it would be a rather fruitless exercise for the nuclear Powers represented at this Conference to negotiate about a number of on-site inspections unless they knew first that this vital element of obligation, obligatory on-site inspections, would be provided for under the treaty. That is something we have to know first. We just wish to establish that there will be permitted, if there is proper certification by instruments, some number of inspections greater than zero; otherwise it is difficult to see any purpose whatsoever in negotiating about a number of on-site inspections, if we still have not established the principle that we are going to have any.

(Mr. Dean, United States)

By the same token, in order to negotiate about the number of detection stations, where they should be located and what should be the extent of their supervision by an international commission we must first acknowledge that they have a purpose. To the United States the purpose of the detection stations is to record events and, where possible, to identify them. The better the equipment, the better the location, the better operated the detection stations are, in the case of seismographic stations, the better able they will be to identify events as earthquakes. And it follows that the more earthquakes that can be identified as earthquakes the fewer unidentified events there will be to qualify for inspection. The United States believes that it is to the interest of all parties to the treaty to reduce to the greatest amount possible the number of unidentified events.

The place of detection stations in a test ban treaty does not have much meaning if they do not contribute to the verification process, namely, verifying that the obligation of ending nuclear tests is being observed. For what good would it do the parties if stations detected many thousands of events each year but there could be no determination of the precise origin of the events which were unidentified and, as a result, were deemed suspicious? The detection stations would then be like a train which took a passenger half-way along his journey but deposited him at a station in which he was not able to find any means of completing his trip. Without the inclusion of an obligation to facilitate a limited number of on-site inspections of unidentified events as a vital part of the verification system, the place of detection stations is not very meaningful.

To put this in simple terms, let us suppose that the authorities of a city -- this beautiful city of Geneva, for example -- passed a law providing that no citizen should keep a bull inside the city limits but was permitted to keep cows, and then passed another law appointing thousands of inspectors to see whether there were in fact any bulls there. Let us suppose, further, that, after voting the necessary budget and appointing those thousands of inspectors, they then said that the inspectors must not visit the house, the yard or the barn of any citizen of Geneva to see whether or not he had a bull, but must go outside the city, perhaps into France, and there set up "smell posts" from which to decide whether they could smell a bull or a cow, although no inspector would be allowed to go to see for himself, if only because he might be violating the privacy of a lady's boudoir. That would be approximately tantamount to the situation we face here. What the Soviet Union is

(Mr. Dean, United States)

saying is, "No. You must stay outside and determine by the smell. If you can't tell whether it is a bull or a cow, you still can't come in."

The issue therefore resolves itself, as I said yesterday (ENDC/PV.69, p. 20), to an issue of fact; but how do you prove that fact? Based on the best scientific information available to us -- and there is no dispute among scientists, except the scientists of the Soviet Union, so far as I know -- we believe that a superior, well operated detection system of distant stations for seismic events will every year detect numerous events in either the United States or the Soviet Union which it will not be able to identify -- I repeat, it will not be able to identify. If that is so -- and it has not been contradicted by any scientists willing to come to Geneva -- and if the world is to have confidence that the treaty is being obeyed, then some on-site inspections under appropriately safeguarded conditions, which we have discussed in detail with our Soviet colleagues so as to prevent any possibility whatsoever of espionage, are necessarily required. We have said to our Soviet colleagues that they could furnish the plane, they could furnish the pilot, they could have observers and they could determine the route followed from the border to the place to be inspected, and they could observe the inspectors of the commission while they were on Soviet territory and could guide them back. We have never at any time heard anything from our Soviet colleagues to the effect that they were not satisfied with the conditions we have suggested to ensure there could not be any espionage.

What I have just set forth has been the opinion of scientists since the scientific experts of the eight nations, including the Soviet scientists, who met in Geneva in 1958, unanimously agreed that the system of control posts which they proposed would be unable to distinguish the signals from underground explosions from those of some earthquakes. Those scientists, including the Soviet scientists, also agreed that for those events which remained unidentified inspection of a relatively small area near the source of the event would be necessary. The Soviet scientists continued to believe that, so far as we know, and until the Soviet backward move of 28 November 1961 what I have just said had been a basis of the test ban negotiations agreed by all scientists, including the Soviet scientists; and it should still be an agreed basis, since the experts stated that conclusion on the basis of scientific facts which have not been refuted by anything that we have heard at this Conference, or anywhere else as far as I know.

(Mr. Dean, United States)

The technical basis for this is well known. To start with there are large numbers of earthquakes each year in territory controlled by the present nuclear Powers. We have estimated, for example, that a system of seismic stations, incorporating arrays of seismographs and all the other latest means of detecting seismic waves, will detect perhaps 300 earthquakes each year from the Soviet Union and its coastal areas. It is known that about 10 per cent of those earthquakes may be determined to be deeper than 50-60 kilometres below the surface of the earth and, therefore, can be identified as earthquakes for that reason. Many of the shallow earthquakes will occur under coastal waters and can safely be assumed to be natural occurrences. This is particularly true around the Kamchatka Peninsula and the Kurile Islands. There would still remain, however, a large number of shallow continental events each year, probably well over 100, which must be identified by seismic means where possible and, where not possible, must be eligible for on-site inspection.

The experts noted that as the number of control posts increases the number of unidentified events of a given size suspected of being nuclear explosions decreases. On the other hand they noted also that for the identification of the increased number of unidentified events resulting from a smaller number of control posts it would be necessary to increase the number of on-site inspections (ZEP/NUC/28, Annex VII, para.2). So that fact must be taken into account in considering the relationship between the smaller number of detection stations which the United States and the United Kingdom are now proposing for consideration and the correlated fact of the necessity for on-site inspections.

It is certainly difficult to estimate the capability of a hypothetical system, particularly when the numbers of stations and their precise locations, their equipment, and the training of their staffs are unknown, especially since no similar systems are now in operation. However, let us assume that we can devise a very good system indeed of the type I have described and that all nations prove to be co-operative in establishing stations with the best equipment available and operate them, in co-operation with the commission, efficiently with well-trained staffs. They might, under those optimum conditions, establish some events to be earthquakes -- some on the basis of analysis of the direction of first motion, some on the basis of indications that the depth of occurrence was deeper than man can dig, and perhaps some on the basis of the secret criterion which the Soviet Union claims to possess

(Mr. Dean, United States)

but which it refuses to divulge. It is clear, however, even if we make our most optimistic assumptions about the efficiency of these techniques, that there will be still a large number -- certainly more than half of the 100 events to which I referred before -- that will remain unidentified, even if the system operates at all times well and efficiently and we have the maximum co-operation. Any one of those unidentified events could be a clandestine nuclear explosion. I hope that these few comments explain why the United States believes that there is a necessary link between the obligation to facilitate on-site inspection and the somewhat more detailed provisions of a verification system.

Let me repeat: we have not delivered any ultimatum to our Soviet colleagues. But if we do not know that the obligation with respect to on-site inspections will be accepted, then negotiation on the detailed provisions, I submit, has no fruitful purpose. The United States is most anxious to negotiate in a meaningful, reasonable and intelligent way on a complete verification system. There are many issues to be resolved, so let us not delay; let us decide that true verification is essential and then let us proceed to draft a workable, effective and acceptable treaty from all points of view.

I was very impressed with the able statements made this morning by the representatives of Italy, the United Arab Republic and Canada. I listened with the greatest attention and respect to the statement made by the representative of Poland. Because I have the greatest respect for him, I wish I could agree with his analysis of the eight-Power memorandum, but I am sorry to say I find myself in complete disagreement with what he has said. It seemed to me that he went out of his way to explain, for approximately an hour, a memorandum which needed no explanation, and that the explanation he gave was laboured, tortuous and completely misleading.

I had intended to reply to Mr. Lachs in somewhat greater detail, but I should just like to point out certain things. We have the greatest respect for the eight nations and for their preparation of the joint memorandum; but instead of quoting scholars on the meaning of other documents, let us confine ourselves to the eight-Power memorandum. In its paragraph 4 it says:

"This Commission should be entrusted with the tasks of processing all data received from the agreed system of observation posts and of reporting on any nuclear explosion or suspicious event on the basis of thorough and objective examination of all the available data. All parties to the treaty should

(Mr. Dean, United States)

accept the obligation to furnish the Commission with the facts necessary to establish the nature of any suspicious and significant event." (ENDC/28)

I do not believe that any of us quarrel with that. We then come to paragraph 5 -- I am leaving aside consideration for the moment of the last sentence of paragraph 4, which is the only sentence in the entire memorandum which our Soviet colleagues and the representative of Poland read to us. Paragraph 5 states:

"Should the Commission find that it was unable to reach a conclusion on the nature of a significant event it would so inform the party on whose territory that event had occurred, and simultaneously inform it of the points on which urgent clarification seemed necessary. The party and the Commission should consult as to what further measures of clarification, including verification in loco" -- that means verification in place, so I read that as on-site inspection -- "would facilitate the assessment. The party concerned, would, in accordance with its obligation referred to in paragraph 4 above, give speedy and full co-operation to facilitate the assessment."

I submit that the obligation referred to in paragraph 4 above is the one set forth in the penultimate sentence of paragraph 5, which reads:

"All parties to the treaty should accept the obligation to furnish the Commission with the facts necessary to establish the nature of any suspicious and significant event."

I submit that, if necessary, the obligation includes the obligation to submit to verification in loco that is, to an on-site inspection.

I have not the particular verbatim record before me, but I remember that at one point in the course of our discussion of the eight-Power memorandum here one representative said, "Well, supposing that some country was suspected of having conducted a nuclear event; it could invite the commission on to its territory". But I submit that the mere fact that the last sentence of paragraph 4 provides that a party suspected of having conducted a nuclear explosion and wanting to clear itself would have the right to invite the commission on to its territory cannot do away with the very clear meaning of paragraph 5. The Commission might pause for a while to see whether the country wanted to invite it, but there is nothing in the memorandum to say that if that optional invitation is not issued the provisions of paragraph 5 do not apply. If the party did not take that initiative to invite

(Mr. Dean, United States)

the Commission, then the investigation would go on as prescribed in paragraph 5 of the eight-Power memorandum; the commission would delve deeper into the problem, it would consult and it would ask for further data. However, if the commission ultimately decided that an on-site inspection was necessary after all, it could then call on the party to give full co-operation in pursuance of its obligation. That would be in accordance with the obligation expressed in paragraph 4, which is to furnish to the commission the necessary facts, and includes, if necessary, verification in loco -- which, I submit, is on-site inspection.

The representative of Poland this morning said that the United States was trying to make a rule for exceptional unidentified events. Even though exceptional, a very small percentage of a very large number of earthquakes could still be a very substantial number -- quite possibly in the vicinity of fifty, sixty or seventy-five.

In view of the lateness of the hour, I shall not take up the time of the Committee further.

Mr. GODBER (United Kingdom): I shall not detain the Committee more than a moment or two. I want just to make two comments arising out of today's discussion.

I have listened very carefully to all the speeches this morning, and one thing which seems to me to be so abundantly clear and yet of which we seem to be possibly in danger of losing sight is the fact that the eight-Power memorandum (ENDC/23), as I understand it, was intended by the eight to draw the two sides closer together. That was the purpose of it. Yet the representatives of the Soviet bloc, in their narrow interpretation of it, are trying all the time to use it to drive us further apart. That, I think, is very unfortunate. I myself in the past have certainly sought to explain the terms of it, as we all have, but I have always said that I would rather get down to negotiations on the fundamental principles embodied in that memorandum -- which I believe is what the eight wanted us to do. So I hope we shall not be diverted too much from consideration of these practical new proposals put forward by the United States, and supported by the United Kingdom, in relation to the new data which have come forward. Let us see how far that can take us. Surely that is far more helpful than just carrying on a sterile argument in relation to what the eight-Power memorandum means.

(Mr. Godber, United Kingdom)

It seems to me that our Polish and Czechoslovak colleagues this morning really did not attempt to carry us forward at all. They were interested merely in justifying the present position of the Soviet Union. However, we all really stand to lose far more by failing to reach an agreement to ban tests than by failing to compromise with each other on what is a critical issue of fact -- a question of fact, however, which does underlie our mutual suspicions. Perhaps I could just remind my colleagues of what that key question of fact is. It is simply that we in the West do not yet know how to diagnose a residue of seismic events which might be either natural or man-made. If the Soviet Union would come forward and tell us how it achieves that differentiation the main obstacle to an agreement could be swept aside. At one time our Soviet colleagues did co-operate with us in our scientific endeavours. They claim they now have that knowledge. I urge them to co-operate with us once more. Agreement on that point could determine, and indeed would determine, whether there would be no requirement for on-site inspections, as they claim, or whether there would be, as the West asks, merely a handful. That is the only difference between the two sides. I really think that we should face up to this position.

I intervened this morning because I was so impressed with the speech of the representative of the United Arab Republic. I intend to study very carefully what he said, but I would reiterate just one passage from his speech which I think deserves the attention of us all. He said:

"... our deliberations should turn to the question: 'When should on-site inspection be necessary in practice? ... Rather than holding to positions of principle, ... discussion should move to the realm of the practical, the adequate and the necessary.'" (supra, p.24)

How very much I agree with him. He went on further:

"Might it not be possible and more profitable for the two co-Chairmen to lay down agreed practical criteria to govern when on-site inspections become necessary, so as to dispel any doubts as to the nature of suspicious and significant events?" (ibid.)

That is something which deserves the most serious study by us all, and I pledge that the United Kingdom delegation will give all thought to this to see whether it does open up new possibilities. I am trying to find new ways in which we can go forward. We have new data which have enabled the West to move forward. I hope that we shall not just continue with sterile abuse of one another but that we shall look at these facts and co-operate together.

(Mr. Godber, United Kingdom)

I beg our Soviet colleagues to co-operate with us on the scientific issues, because that could help to solve our political differences. I just wanted to make that plea this morning. I hope I have not kept my colleagues too long.

Mr. KUZNETSOV (Union of Soviet Socialist Republics) (translation from Russian): I should like to make a few brief comments. Our delegation has listened carefully to the statements made today by various members of the Committee.

I must note that we have heard, on the one hand, statements aimed at helping in every way to speed up the solution of this problem. But at the same time I have to note with regret that the statement made by the representative of the United States and the subsequent statement made by the representative of the United Kingdom can in no way be assessed as a desire to contribute to the solution of this problem.

Again and again we are being pushed further and further away from really constructive consideration of this question and attempts are being made to involve us in endless discussions about what sort of data have been obtained, what these data are, whether they are reliable and whether they need verification and so on. Our delegation will no doubt speak about this in greater detail at our next meeting, if it is decided to have one.

I listened carefully to the statement made by the representative of the United Arab Republic and I should like to draw your attention to certain passages in that statement. I shall quote one passage in order not to make a wrong interpretation.

He said:

"Nothing has changed our conviction that to date the eight-Power memorandum remains the best, the most practical and the fairest basis for a test ban settlement which might safeguard the national security as well as the national prestige of all the parties concerned." (supra, p. 23)

I attach great significance to that statement. The Soviet delegation adheres to that position. The Soviet Union has agreed to a compromise and considers that the other side should also agree to a compromise. But we hear again and again statements by the delegations of the United States and the United Kingdom confirming their old position, although they say that they have moved forward, that they have made concessions, etc. In support of his position Mr. Dean today told a story which, in my opinion, did not help him very much. If you will permit me, I will tell you another story which fits the case, in order to illustrate the position of the Western Powers. In the Soviet Union the following story is told among the people:

(Mr. Kuznetsov, USSR)

"A young woman lost her virginity and had a baby, but she still considered herself a virgin. But the people who knew her said to her: "How can you be a virgin? You have had a baby." She did not agree with that and took the matter to court. The Judge asked the girl: "Why are you complaining? You have a baby". And the girl replied: "But it is such a tiny baby that one can leave it out of account and consider me a virgin."

The idea of securing at all costs an opportunity for intelligence agencies to take a look at the Soviet Union is the idea which is egging the Western Powers on to show that one or two inspections are not inspection, and they keep inventing more and more arguments for this purpose. I am bound to say that it is, of course, impossible for us to reach agreement on that basis.

I should like to say just a few more words. Since a number of delegations have addressed congratulations to the Soviet Government and the Soviet people in connexion with the successful flight and the successful completion of the flight of the astronauts, I should like to thank them. This thrilling combined flight of the Soviet astronauts - the first in history - is an outstanding contribution to the cause of using outer space for peaceful purposes. It is done in the interests of the peoples of all countries, of all mankind. The combined flight provides striking evidence of the outstanding achievements of the Soviet people in the field of science and technology, and evidence of the fact that the Soviet Union is striving to make all its achievements serve useful purposes. But if the achievements of science and technology are used for other than peaceful purposes, they may bring mankind untold calamities. Therefore, the rapid progress of science and technology and the international situation make it ever more necessary that a solution to the problem of general and complete disarmament should not be delayed any longer. No more important and urgent problem exists.

In expressing our gratitude to all the speakers here who have expressed their compliments to the Soviet Union, the Soviet delegation declares that the Soviet Union sincerely desires to preclude any possibility of the achievements of science being used against mankind, and sincerely desires that we should reach agreement as quickly as possible on a solution to the problem of general and complete disarmament.

Mr. LACHS (Poland): I will speak for one minute only. I want to say that I was deeply touched by the fact that the leader of the United States delegation followed his watch so closely while I was addressing this Committee, but that undoubtedly meant that his attention was divided. In embarking on what I wanted to say this morning I was following his example. He has interpreted the document in the Sub-Committee and in our Committee, while I made it clear that it needed no interpretation. I believe that he really spent much more time on interpreting it than I did, and he enlarged on that interpretation this morning. I therefore feel that he has reproached me for something he himself had done and for following his example.

As regards his substantive remarks, I would say that they only confirm what I said earlier -- that the main obstacle to reaching an agreement is the fact that the United States has presented a proposal which is incompatible with the eight-Power memorandum.

The CHAIRMAN (Burma): We have heard some interesting suggestions and comments this morning and I have no doubt that the Committee will wish to study them in the verbatim record. I am afraid, however, that before we adjourn we should perhaps seize one bull by the horns. It is not Mr. Dean's bull, but Mr. Cavalletti's. Mr. Cavalletti suggested earlier that the discussion on this item should continue without interruption, by which I assume he meant that if there were any speakers on this item for our next meeting that meeting also should be devoted to this subject. The situation at the moment is that one representative has already put his name down to speak on this subject at our next meeting; on the other hand, three representatives have expressed their desire to speak on the subject of general and complete disarmament. In view of that, I think perhaps it might be best if we simply left it to each representative to decide for himself what he wants to talk about during our next meeting. In fact, I have always interpreted document ENDC/52 to mean that any representative who wished to speak about nuclear testing would be free to do so at any time and without any prior notice. If my understanding is correct, I think we can leave it at that and just decide that our next meeting will be on Friday and will be a plenary meeting, so that each delegation can decide for itself what it wants to talk about.

Mr. GODBER (United Kingdom): In relation to your proposal, Mr. Chairman I see the difficulty, of course, but I would have thought that possibly the better way might have been to arrange that anyone who wished still to talk about nuclear tests at our next meeting might, if he notified the Secretariat accordingly and inscribed his name, receive precedence in speaking, so that we could conclude that aspect of our discussion before moving on to general and complete disarmament. I think it is right that you should have pointed out that members of the Committee are entitled to speak on this subject and I certainly accept that; but merely for the orderliness of our debate at the next meeting perhaps my suggestion might meet the wishes of members.

The CHAIRMAN (Burma): I think that is reasonable enough.

Mr. CAVALLETTI (Italy) (translation from French): Your proposal, Mr. Chairman, is acceptable to my delegation, but I should also like to support the suggestion of Mr. Godber that priority should be given to the speakers who wish to deal with the subject of tests.

The CHAIRMAN (Burma): May I take it that that has been decided?

Baron von PLATEN (Sweden): In view of the lateness of the hour I should like to make a proposal which undoubtedly will be both welcome and very popular. I would like to suggest that we meet either this afternoon or tomorrow to finish, if possible, this phase of the debate on the nuclear test ban.

The CHAIRMAN (Burma): I do not know if any other representative would like to express any view with regard to that suggestion, but I have a feeling that the proposal just made by the representative of Sweden might keep us here for another half hour. Unless, therefore, he feels very strongly about this I would suggest that perhaps the original arrangement, that we meet on Friday, should be allowed to stand.

The Conference decided to issue the following communique:

"The Conference of the Eighteen Nation Committee on Disarmament today held its seventieth plenary meeting at the Palais des Nations, Geneva, under the chairmanship of Mr. Barrington, the representative of Burma.

"Statements were made by the representatives of Poland, Italy, the United Arab Republic, Czechoslovakia, Canada, the United States of America, the United Kingdom and the Soviet Union.

"The next plenary meeting of the Conference will be held on Friday, 17 August 1962, at 10 a.m."

The meeting rose at 1.30 p.m.

